

REMARKS

Presently, claim 1-21 and 85-112 are pending in the application. A Request for Continued Examination ("RCE") under 37 C.F.R. §1.114 is being filed herewith. Claims 22-84 have been canceled. Claim 1 has been amended. Claims 85-112 have been added. Support for the amendment to claim 1 may be found, for example, on page 10, line 26 through page 11, line 3 or the specification. Support for the features of claims 85-112 may be found, for example, on page 6, lines 1-22. Accordingly, no new matter has been added to the application by the foregoing amendments.

Claim Rejection – § 102(e)

The Examiner has rejected claims 1-4, 6, 7, 8-13, 16-25, 27-33, 36-43, 46-63, 64-67, 69-76, and 79-84 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,463,585 to Hendricks *et al.* ("Hendricks"). Applicants respectfully traverse this rejection.

Hendricks discloses a system for providing television programming and targeted advertisements to consumers' homes. In Hendricks, information is sent from a program controller to local storage and/or real-time display on a consumer's terminal. The stored information may include control information, programming and/or advertisements. Additionally, Hendricks discloses that information related to users' preferences and viewing actions or habits may be observed, retrieved and analyzed, such that a particular consumer terminal may be identified to a desired target category. The target category, based, for example, on demographic information, is utilized to determine which advertisements to target at the consumer.

Hendricks teaches that the advertisements are assigned to viewer groups with similar characteristics. A software subroutine performs the assignment of advertisements to available time slots:

This selection process typically involves advertisements from various advertisement categories (from a number of advertisers which have purchased "airtime"). Each advertisement will subsequently be assigned a number of

times that it will be shown in a give time frame. . . . This frequency of display may be based on various factors, including the number of requests and cost paid by the respective advertiser. . . . These weightings are used to prioritize the advertisements that will be sent to individual set top terminals or group of set top terminals. (column 71, lines 11-29).

Only after the advertisements have been scheduled and displayed is the billing cost to the advertiser calculated (see column 71, lines 42-49). Although Hendricks takes advertiser preferences into consideration when filling up advertisement avail slots, Hendricks' system does not give advertisers the option of selecting particular ad slots. Advertisers cannot select that their advertisement be displayed at a particular time on a particular station, instead advertisements are selected based on the target audience.

Independent claim 1 recites:

A computer-implemented method for managing avail inventory data of media programming streams for a communications network, the method comprising the steps of:

correlating available addressable units of the communications network with the inventory of avails that are available in the future; and

generating a proposed price for purchase of at least one avail based on results of the correlating step.

Hendricks does not disclose "correlating available addressable units of the communications network with the inventory of avails that are available in the future." Hendricks does not teach comparing the inventory of avails to the available addressable units. Instead, Hendricks teaches selecting a particular feeder channel for particular slot for a particular viewer. Hendricks selects a particular ad for a target group, whereas independent claim 1 recites "correlating available addressable units . . . with the inventory of avails..." In claim 1, an available avail is correlated, not with the ad that will go into the avail, but the avail itself with an addressable unit. Even if Hendricks teaches correlating an ad with an addressable unit, doing so is not the same as correlating an available ad slot (avail) with an addressable unit.

Furthermore, Hendricks does not disclose the generation of a proposed price for purchase of at least one avail based on correlation of avail inventory and available addressable units. Rather, Hendricks teaches billing advertisers after the advertisements have been shown (column 71, lines 40 – 47). Thus, Hendricks does not teach allowing advertisers to purchase an avail at a proposed price. Instead, Hendricks selects ads to be displayed and then bills based on the display of those ads. In Hendricks, users are not able to purchase an available ad slot, since no proposed price is generated. Hendricks clearly states that the account and billing database is updated “based on the ads that are sent to the signal processor 209 for subscriber viewing...” (see Hendricks, column 71, lines 41-44). There are at least three differences between the process in Hendricks and generating proposed prices based on the correlating of addressable units with an inventory of avails that are available in the future as recited in independent claim 1. First, Hendricks does not suggest correlating addressable units with an inventory of avails that are available in the future because Hendricks does not teach or suggest an inventory of avails that are available in the future. Second, the billing in Hendricks is not based on the correlation between avails (empty ads slots) and addressable units, but instead on which ads were sent for viewing. Charging different rates to different advertisers is not equivalent to basing the proposed price on the correlating of addressable units with an inventory of avails that are available in the future. Third, the billing in Hendricks is not for a particular avail, but instead is for the ads that are presented for subscriber viewing. Since Hendricks does not teach all aspects of claim 1, claim 1 is believed to be allowable.

Independent claim 88 recites “obtaining an inventory of avails corresponding to said segment specific addressable units” and “generating a proposed price for avails in said inventory of future avails.” Claim 101 recites “obtaining a listing of addressable units available to said user for said future avails corresponding to said program selection” and “generating a price for said avails corresponding to said program selection stored in said inventory of future avails.” Claim 105 recites “obtaining a listing of addressable units available to said user for said inventory of future avails corresponding to said correlation selection” and “generating a proposed price for said avails corresponding to said correlation selection stored in said inventory of future avails.” For the same reasons

as discussed in relation to claim 1, Hendricks does not teach or suggest all features of independent claim 88, 101, and 105. Therefore independent claims 88, 101, and 105 are believed to be allowable over Hendricks.

Dependent claims 2-21, 85-87, 89-100, 102-104, and 106-112 are believed to be allowable at least by their dependency on claims 1, 88, 101, and 105, respectively. Claims 22-84 have been canceled. Therefore the Examiner's rejection of claims 22-25, 27-33, 36-43, 46-63, 64-67, 69-76, and 79-84 is moot. Reconsideration and withdrawal of the Examiner's rejection of claims 1-4, 6, 7, 8-13, 16-25, 27-33, 36-43, 46-63, 64-67, 69-76, and 79-84 is respectfully requested.

Prior Art Rejection – 35 U.S.C. 103(a)

The Examiner has rejected claims 5, 14, 15, 26, 34, 35, 44, 45, 68, and 77 under 35 U.S.C. 103(a) as being unpatentable over Hendricks in view of U.S. Patent No. 6,424,998 to Hunter ("Hunter"). Applicants respectfully traverse this rejection.

As discussed above with respect to independent claim 1, 88, 100, and 105, Hendricks does not disclose all of the features of the present invention.

Hunter does not teach or suggest the element(s) missing from Hendricks. Therefore, even if the combination of Hendricks and Hunter is proper, such combination does not teach or suggest all of the features of independent claims 1, 88, 100, or 105. Accordingly, Applicants respectfully submit that independent claims 1, 88, 100, and 105 are allowable over the combination of Hendricks and Hunter.

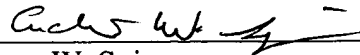
Dependent claims 5, 14, 15, 89-100, 102-014, and 106-112 are allowable at least by their dependency on independent claims 1, 88, 101, and 105, respectively. Claims 26, 34, 35, 44, 45, 68, 77, and 78 have been canceled. Therefore their rejection is moot. Reconsideration and withdrawal of the Examiner's rejection of claims 5, 14, 15, 26, 34, 35, 44, 45, 68, and 77 are respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that the Examiner's rejections have been overcome, and that the application, including claims 1-21 and 85-112, is in condition for allowance. Reconsideration and withdrawal of the Examiner's rejections and an early Notice of Allowance are respectfully requested.

Respectfully submitted,

Date: 7/12/06

By: 

Andrew W. Spicer
Registration No. 57,420
Technology, Patents & Licensing, Inc.
2003 South Easton Road, Suite 208
Doylestown, PA 18901
267-880-1720
Customer No.: 27832